

Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter of)	
)	
Telecommunications Relay Services)	
And Speech-to-Speech Services for)	CC Docket No. 98-67
Individuals with Hearing and Speech)	
Disabilities)	CC Docket No. 03-123

COMMENTS OF Sheri A. Farinha, CEO, NorCal Center on Deafness

The comments to follow will address a number of issues brought to date, and in reply to comments and petitions for reconsideration to Dockets 98-67 and 03-123:

Complaint: FCC Filing System is NOT Deaf Consumer Friendly

First of all, this is a complaint with respect to the fact that there are a number of issues thrown together under the Mega Order, and its various questions and responses to a number of different issues, most applying to the issues about VRS. I feel duty bound on behalf of the Consumer population I represent and serve as its advocate to continue to red flag the FCC Commissioners with a plea to develop a more Consumer-oriented system when asking for feedback about issues that surround OUR communication needs. This filing system is simply too difficult to encourage grassroots deaf and hard of hearing folks to respond, and it seems as if this system caters more to Vendors/Providers, national organizations with attorneys who are far more inclined to understand and follow the vast array of issues before the FCC than the average grassroots Deaf Consumer. In seeing so many comments filed, I am concerned that the bulk of comments filed by the Consumers on either docket will be lost and its value diminished in light of what Vendors/Providers

are saying, as well as state relay administrators. The FCC should be weighing the pulse of Consumer population affected by its decisions more so than anyone, based on this populations needs for telephone access. Moreover, grassroots Deaf Consumers are not being “paid” to file comments therefore, the system should be Consumer-oriented tailored to the communication needs of the population it is requesting input.

If at all possible to request that the FCC filing proceedings additionally be videotaped in Sign Language to allow the deaf Consumer population using ASL to have full access to participate in the proceedings requesting comments. Such comments should furthermore have a mechanism to video sign the comments in reply. This complaint has been stated in previously filed comments, and may it behoove the FCC to finally “hear” this complaint on behalf of deaf consumers and implement changes in the very near future. I question whether this proceeding is actually legal being that grassroots Deaf Consumers do not have full access to the proceeding discussions on VRS or TRS for that matter. Deaf people’s communication needs and thousands are still left out due to the filing systems complexity and not in the Deaf Consumers primary mode of communication: American Sign Language. Please look up existing Federal law: IDEA, if the FCC does not know what “primary mode of communication” entails.

Reply to All State Relay Administrators on this docket:

For us Consumers of TRS, it’s a matter of choosing services that best fit our own individual communication needs. The FCC should formally recognize the Consumers needs for VRS to be mandated and separate this need from the technical and financial

obligations that the state relay administrators have with the funding mechanism. In other words, may the FCC formally recognize and give merit to this question with its decision recognizing to this special population who still does not have “full access” in today’s telecommunications needs the service of VRS to be mandated with regulations about ASA, etc. To recognize does not necessitate permanence.

The FCC Commissioners need to clearly separate this Mega Order proceedings and its question about VRS as a mandate to show: Consumers needs, vs. Solutions needed by State Relay Administrators, and problem-solving answers by technical experts from VRS Vendors/Providers/Teleco’s.

NECA’s reply Comments on Outreach:

In reply to NECA’s position taken on the proceeding to the question about outreach, before this should happen, NECA as a subcontractor receiving Federal funds should therefore have representation of the Deaf and Hard of Hearing population on its board when deciding matters pertaining to telephone needs of this population. This is further in reply supporting the NVRSC, a National VRS Consumer-driven Coalition whereby it recommended for the TRS Advisory council of Consumer experts have a seat on the NECA board. For without such representation, NECA holds no legal substance in its decisions in the eyes of the grassroots Deaf Consumer population.

ASL to Spanish Translation Petition for Reconsideration:

On behalf of the Consumer population in 24-north eastern counties of Northern California, I am writing to ask the FCC to approve video relay services between American Sign Language (ASL) users and people who speak Spanish as a reimbursable relay service. I strongly support the petitions for reconsideration filed by Communication Service for the Deaf on September 30, 2004 and Hands-On Video Relay Service on October 1, 2004.

The FCC already requires interstate relay services to be in Spanish. The FCC created this requirement because it recognized that the Spanish speaking population is substantially larger than any other non-English speaking population in America. It realized that unless it mandated this type of service, millions of deaf, hard of hearing, and speech disabled people who spoke Spanish might be denied functionally equivalent relay service. It is now time for the FCC to extend this mandate to VRS technology. The only way to do that is to require ASL translation to the Spanish language.

As an individual who holds a Masters Degree in Special Education, Education of the Deaf is an area of expertise that I personally have served the state of California as a parent advocate for over 20 years now. Approximately 90% of deaf people nationwide, have hearing parents. The mere fact that many of the families I have met have communication issues because the Deaf Consumer's hearing parent(s) are not familiar with ASL at the onset of deafness and in the educational arena for deaf individuals, it's a communication barriers are already a major struggle within the home. The mere fact that of this huge number of parents, 25% of deaf children involved with IEP cases are born to Spanish-speaking parents. Similar concerns exist for hearing people in similar bi-lingual

situations in the homes where English is the second language, however, the difference for Deaf Consumers and what is critical to understand here is that for the average Hearing Consumer, eventually because one can hear, they learn the Spanish language and eventually learn English, and as an adult, can speak fluently in both English and Spanish. This is not true for the average Deaf Consumer from a similar home environment.

Deaf Children growing up as adults, tend to learn ASL in school, and thus unable to communicate with their parents when they get home. Reversing this, hearing parents who speak Spanish are unable to converse with their deaf children because they do not have access to school programs to learn ASL. Thus, this fluency in two languages on either end of the spectrum does not naturally co-exist. The deaf person as a tax-payer predominately using ASL cannot fluently converse with family members, and parents who are comfortable conversing in their native language, Spanish.

Therefore, many Spanish-speaking Hearing parents are unable to communicate daily issues with their deaf children, and as they grow older, never understand or know what their educational needs are nor when issues surface at school, or as the Deaf child grows up and becomes an adult, simple issues surrounding employment needs, or health care, personal hygiene, etc. An example of a deaf child from a Spanish speaking family often witnessed and documented by myself are cases where they are thrown in jail and unable to make that “one phone call” to family members for help. There exists no telecommunication means for a deaf person in jails for one thing, and in isolated incidents where they are available, these particular members of the Deaf population are unable to call parents who speak Spanish. For our government to decide whether or not, one part of the population can have access to a newer more functional equivalent service

as VRS, and not the other, is definitely un-American and goes against a fundamentally basic human right – to have full access to the telephone!

If you are going to offer services it needs to be “one for all”, and being that many of our Spanish speaking heritages are still very much a core part of America today. We cannot simply ignore this critical part of the population – percentage wise, which is still smaller than the population who will use VRS as a whole but their human rights are just as important as the larger populations!

Therefore, please reconsider this issue, on the merits of the Consumers needs for the ASL to Spanish service to be reinstated and reimbursable. Most importantly are the FCC’s own reference to the House Report, supporting the legislative history, ADA Title IV, its reference to the universal service mandate of Section 1 of the Communications Act and restated in the FCC’s Mega Order as a footnote: “...Americans to access fully the Nation’s telephone system poses a serious threat to the full attainment of the goal of universal service”. This Federal mandate should already serve as the deciding factor of VRS, where the aforementioned quote states: “access fully”. This includes eliminating those barriers for the grassroots Deaf Consumers communicating via a functionally equivalent telephone service: VRS to “access fully” with family members who speak Spanish.

Respectively submitted by:
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